

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

JAMMIE L. YERKS,

Plaintiff,

v.

Case No. 17-cv-1735-pp

PAMELA SHURPIT, and
CAPTAIN JOSEPH FALKE,

Defendants.

**ORDER REQUIRING THE PLAINTIFF TO RESPOND TO THE DEFENDANTS'
MOTION FOR SUMMARY JUDGMENT BY THE END OF THE DAY ON
FRIDAY, APRIL 5, 2019 OR FACE DISMISSAL**

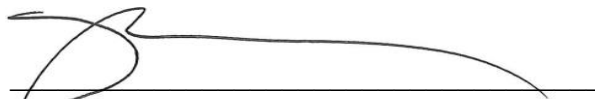
Plaintiff Jammie L. Yerks, a Wisconsin state prisoner who is representing himself, filed a complaint under 42 U.S.C. §1983 asserting that the defendants violated his constitutional rights. Dkt. No. 1. The court screened the complaint and allowed him to proceed on claims of deliberate indifference against the two named defendants. Dkt. No. 8 at 5-6. On November 26, 2018, the defendants filed a motion for summary judgment. Dkt. No. 16. The plaintiff asked the court to give him additional time to respond to the motion, dkt. no. 23, and the court granted that request, dkt. no. 28. The court gave the plaintiff a deadline of February 25, 2019 to respond to the summary judgment motion. Dkt. No. 28 at 3. As of today, the plaintiff has not responded, and he has not communicated with the court in any way to explain why he has not responded.

The court will give the plaintiff one, last opportunity to respond. It will give him until the end of the day on **Friday, April 5, 2019** to file a response to the motion for summary judgment. The plaintiff must send his reply in time for the court *to receive it* by the end of the day on April 5, 2019. If the plaintiff cannot file his response by that date, he must send the court an explanation of why he can't respond by that date; again, he must send the explanation in time for the court to *receive it* by the end of the day on April 5, 2019. If the court does not receive either the plaintiff's response to the summary judgment motion or his explanation about why he hasn't responded by the end of the day on April 5, 2019, the court will dismiss the case for the plaintiff's failure to diligently pursue it.

The court **ORDERS** that by the end of the day on **April 5, 2019**, the plaintiff must file either his response to the defendants' motion for summary judgment or an explanation of why he cannot file a response. If the court does not receive one of these two things by the end of the day on April 5, 2019, the court will dismiss the case for the plaintiff's failure to diligently pursue it under Civil Local Rule 41(c) (E.D. Wis. 2010) and Federal Rule of Civil Procedure 41(b).

Dated in Milwaukee, Wisconsin, this 18th day of March, 2019.

BY THE COURT:

A handwritten signature in black ink, appearing to be 'P. Pepper', written over a horizontal line.

HON. PAMELA PEPPER
United States District Judge